

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Robert J. Jonker

v

Case no. 1:20-cr-00181

RICHARD DAVID SMITH,

Defendant.

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DEFENDANT RICHARD DAVID SMITH'S
MOTION FOR VARIANCE PURSUANT TO 18 U.S.C. § 3553(a)

Pursuant to 18 U.S.C. § 3553(a), the Court shall impose a sentence that is sufficient but not greater than necessary. The Court is to consider factors as specifically listed. The advisory guideline calculations are only one factor to be considered in sentencing.

The Court may not presume that the guideline range is reasonable, but is to make an assessment based upon all sentencing factors. A variance from the guidelines can be made in the discretion of the Court.

Defendant requests that the Court consider a downward variance based upon the 18 U.S.C. § 3553(a) factors including as further explained in Defendant's Sentencing Memorandum filed herewith.

Respectfully submitted,

Dated: April 22, 2021

/s/ Deno P. Fotieo
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